



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

REC  
Docket No: 07985-10  
19 April 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 23 March 1987. Between 20 January 1988 and 13 November 1992, you received four nonjudicial punishments (NJP's). You committed the following offenses: being in an unauthorized absence (UA) status for six days, larceny, assault and wrongful use of marijuana. You were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct. On 5 January 1993, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an OTH discharge due to misconduct. Your commanding officer concurred with the ADB's finding and recommended that you receive an OTH discharge by reason of misconduct. On 17 February 1993, the discharge authority directed an OTH by reason of misconduct. On 26 February 1993, you were so discharged. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found

that these factors were not sufficient to warrant changing that characterization of your discharge, given your record of four NJP's for misconduct. In this regard, an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director